

Federal Advisory Committee (FAC) Membership Balance Plan

Please read the Federal Advisory Committee Membership Balance Plan Guidance prior to completing this form

FBI / CRIMINAL JUSTICE INFORMATION SERVICES DIVISION

(1) FEDERAL ADVISORY COMMITTEE NAME

State the legal name of the FAC

Criminal Justice Information Services (CJIS) Advisory Policy Board (APB)

(2) AUTHORITY

Identify the authority for establishing the FAC

The Federal Advisory Committee is established under agency authority and was approved by the Director of the Federal Bureau of Investigation (FBI) in March 1994. The APB was established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, Title 5 United States Code. Establishment of the APB is authorized by 28 Code of Federal Regulations 20.35.

(3) MISSION/FUNCTION

Describe the mission/function of the FAC

The APB will review and recommend general policy to the FBI on programs operated by the CJIS Division that reduce terrorist and criminal activities by maximizing the FBI's ability to provide timely and relevant criminal justice information to the criminal justice community. The APB's guidance will include the promotion of national security, by making recommendations that optimize the exchange of biographic and biometric information on known and suspected terrorists and the broadcast of National Alert System messages over the Law Enforcement Enterprise Portal (LEEP). The programs operated under the CJIS Division include the Next Generation Identification, National Data Exchange, LEEP, National Crime Information Center, National Instant Criminal Background Check System, Uniform Crime Reporting, and other systems and programs administered by the CJIS Division as determined by the FBI Director. Further, the APB will consider the operational needs of criminal justice agencies in light of public policy; national security; and local, state, and federal statutes. The APB will recommend security and privacy policy for the CJIS systems, and standards for participation by criminal justice agencies.

The duties of the APB will be solely advisory in nature.

(4) POINTS OF VIEW

Based on understanding the purpose of the FAC,

- (a) describe the process that will be used to ensure the committee is balanced, and identify the categories (e.g. individual expertise or represented interests) from which candidates will be considered;*
- (b) consider identifying an anticipated relative distribution of candidates across the categories; and*
- (c) explain how a determination was made to appoint any individuals as Special Government Employees or Representative members*

The APB will be composed of twenty-one elected members, five FBI Director-selected members, a representative of the National Crime Prevention and Privacy Act Compact Council, and eight at-large members and will meet with Section 5, part 2, requirement for the membership of the advisory committee to be "fairly balanced in terms of the points of view represented and the functions to be performed..." All members of the APB will be selected from criminal justice agencies or criminal justice professional associations from throughout the United States and appointed by the FBI Director or his designee.

Specifically, the APB membership will consist of the following balance:

Twenty members will be elected by the members of the four regional Working Groups. These members must be the chief executives of local or state criminal justice agencies, or they must be at the policy-making level and have responsibility for the management of CJIS Division systems in their respective agencies.

Five members will be selected by the FBI Director, one member each, representing the prosecutorial (prosecutor), judicial (judge), and correctional sectors of the criminal justice community, a national security agency (shall have sufficient knowledge of national security issues in order to provide counsel to the APB) and a tribal community representative (shall have sufficient knowledge of issues and challenges facing tribal law enforcement).

One member will be elected by the Federal Working Group.

One member will be a representative of the National Crime Prevention and Privacy Compact Council.

One member will be selected by the following criminal justice professional associations to represent their respective associations: American Probation and Parole Association; International Association of Chiefs of Police; Major Cities Chiefs' Association; Major County Sheriffs' Association; National District Attorneys' Association; National Sheriffs' Association; American Society of Crime Laboratory Directors, Inc.; and a representative from the courts or court administrators selected by the Conference of Chief Justices.

Federal employee members will be considered as Regular Government Employees. Elected members will represent the interests of agencies/regions. APB members who are appointed by the Director to represent the point of view of the judicial and prosecutorial segments of the criminal justice community will be considered Special Government Employees.

(5) OTHER BALANCE FACTORS

List any other factors your agency identifies as important in achieving a balanced FAC

Twenty members will be elected out of the four regional Working Groups. Each working group will represent a region of the United States: Northeastern, Western, Southern, North Central. Each region will elect three state-level agency representatives and two local-level agency representatives.

(6) CANDIDATE IDENTIFICATION PROCESS

Summarize the process intended to be used to identify candidates for the FAC, key resources expected to be tapped to identify candidates and the key persons (by position, not name) who will evaluate FAC balance. The summary should:

- (a) describe the process*
- (b) identify the agency key staff involved (by position, not name)*
- (c) briefly describe how FAC vacancies, if any, will be handled by the agency; and*
- (d) state the membership term limit of FAC members, if applicable*

Candidates will be identified through elections and Director-appointed selections. Elections of candidates for APB membership shall be conducted by each regional Working Group Chair before the end of August of each even-numbered year. If the Chair receives the same number of nominations as there are positions to be filled, then the nominations will be forwarded to the Designated Federal Officer (DFO) for certification pursuant to Bylaws 4.5. The FBI Director will appoint these elected candidates as members of the APB.

State agency representatives, the representative from the Royal Canadian Mounted Police, the representative from the District of Columbia, and representatives from U.S. territories serving on the Working Groups will vote only on the state representatives to the APB. Local agency representatives and tribal law enforcement representatives on the regional Working Groups will vote only on the local representatives to the APB. The DFO will cast the deciding vote in the case of a tie in either the state or local elections. Membership shall be limited to one state and/or one

local agency APB member per state, exclusive of Director-designated and tribal representation. Professional Criminal Justice Associations shall nominate executive-level representatives for request of appointment by the FBI Director.

(7) SUBCOMMITTEE BALANCE

Subcommittees subject to FACA should either state that the process for determining FAC member balance on subcommittees is the same as the process for the parent FAC, or describe how it is different*

**This is relevant to those agencies that require their subcommittees to follow all FACA requirements.*

The overall advisory process structure will include four regional Working Groups and one Federal Working Group. All 50 states, as well as U.S. territories and the Royal Canadian Mounted Police, will be organized into the five Working Groups. Each will be made up of local, county, state, federal, and tribal law enforcement agency representatives. The DFO, in consultation with the APB Chairman and with FBI approval, may also establish ad hoc committees to assist the APB in carrying out its duties. The Working Groups and ad hoc committees will report only to the APB and will not report directly to the FBI.

(8) OTHER

Provide any additional information that supports the balance of the FAC

Not applicable.

(9) DATE PREPARED/UPDATED

Insert the actual date the Membership Balance Plan was initially prepared, along with the date(s) the Plan is updated

May 2009/December 2014